

to be placed on it.

At the hearing, the PSC encourages individuals to voice their views about any part of a project. This testimony is recorded by a court reporter and placed with other testimony into a written document called the “record.” Representatives from the developer and the PSC also testify about the project and the proposed sites. The Commission must base its decision on information in the record. The hearing is very important in this respect. Views given outside the hearing or after the record is closed cannot be used by the Commission in making its decision.

A PSC hearing is usually not held for CA projects. Therefore, there is no record, but there is a case file. Telephonic, e-mailed, or written comments are welcome. Members of the public can ask for a hearing on a CA project by contacting the PSC. The Commission then decides whether it would be useful to grant it.

How to Get Involved

Individuals can get involved in the review process for a proposed power line by:

- Contacting the developer, DNR, or Commission staff.
- Attending public information meetings.
- Reviewing the construction application.
- Responding to the public notification letter with comments and questions.
- Reading and commenting on the draft EIS, if there is one.
- Testifying at the hearing, if there is one.
- Asking to become a “full party” if they want to keep pace with all the legal workings between the PSC and the developer. (An explanation of full party status can be requested by calling or writing to the PSC. A full party has many obligations as well as rights in the process.)

PSC Decision

The Commission makes the final decision about a request to build a power plant. For a CPCN, the Commission reviews all testimony from the developer, Commission staff, DNR staff, full parties, and members of the public. For a CA, if there is no hearing, the Commission bases its decision on Commission staff’s written summary and information in the case file.

The Commission meets to discuss the case and to make a decision. This meeting is called an open meeting because it is open to public observation. Following the meeting, the Commission issues a CPCN or CA “order” describing its decision. A copy of the order is sent to the developer, full parties, and members of the public who registered at the hearing. Others can also get a copy from the PSC for the price of the PSC’s copying and mailing costs.

For More Information

Copies of a developer’s construction application and PSC notifications and notices can be reviewed at local libraries and at both town and municipal clerks’ offices. Copies can also be obtained from the PSC or the utility proposing the project.

For more information about a specific project, please contact the applicant or contact Barbara Pickhardt, by phone (608) 266-5990 or e-mail pickhb@psc.state.wi.us, at the PSC. Please include the name and location of the project when requesting information.

The Public Service Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. If you are speech, hearing, or visually impaired and need assistance, call (608) 266-5481 or TTY (608) 267-1479. We will try to find another way to get the information to you in a usable form.

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6021B August 1999



Electric Power
Plants:
Approval
Process



Public Service Commission of Wisconsin

PSC Reviews Most Power Plant Projects

The Public Service Commission of Wisconsin (PSC or Commission)¹ regulates Wisconsin’s electric utilities. The Commission is a three-member board appointed by the governor, who are assisted by technical staff.

A utility or any other entity that wants to build a power plant of 100 megawatts (MW) or more must get Commission approval. This approval is called a Certificate of Public Convenience and Necessity (CPCN).

In addition, a utility must get Commission approval to build a power plant of less than 100 MW, if the plant’s cost will be above a certain percent of the utility’s annual reserve. Commission approval for a utility-proposed power plant of less than 100 MW is called a Certificate of Authority (CA).

The PSC review process varies somewhat depending on whether a power plant project is larger or smaller than 100 MW or not. It also varies depending on other factors relating to the complexity of the project. The review process generally takes about six months. For a power plant of 100 MW or over, the PSC must obtain court approval to extend the review time beyond six months.

The PSC reviews the overall environmental and socio-economic impacts of the proposed plant, including the impacts of related power lines and natural gas pipelines. The PSC must consider two or more possible power plant sites and alternate routes and designs for related power lines and natural gas pipelines. The PSC also reviews the need for and costs of the power plants, except for those proposed by non-utility developers.

Usually, the Department of Natural Resources (DNR) must also issue some permits for a proposed power plant. The DNR reviews the potential air emissions,

¹ “The Commission” means the three Commissioners acting as a decision-making body. “PSC” means the agency as a whole.

solid waste impacts and water use and discharge effects. It issues permits related to those impacts. The Commission makes the final decision about whether or not a power plant is built and where it is sited. The PSC and DNR work closely together in the environmental review of power plant proposals.

This brochure describes the steps the PSC goes through when it reviews a proposed power plant. This brochure also explains how the public can get involved.

Finding a Power Plant Site

A developer, whether a public utility or an independent power producer, investigates possible sites for a power plant. Commission staff¹ encourages developers to publicly announce the potential sites and hold public information meetings before making final choices among sites.

For power plants of 100 MW or more, the developer is required to provide information on two or more sites to the PSC and DNR. These sites are reviewed in great detail and the PSC holds a public hearing. The Commission then decides which site is best suited for the power plant.

Construction Application

The power plant developer must file a construction application with the PSC. The developer also must apply to the DNR for various permits. After the application is filed, the PSC notifies the public that the review process is beginning. The PSC mails copies of CPCN applications to all city, town, and village clerks in the project area, and to the main public library in the affected counties.

² “Commission staff” means all staff in the agency minus the Commissioners.

Public Notification Letter

The PSC sends a public notification letter to:

- Property owners on or near potential sites
- Local government officials
- Libraries
- Media
- Other agencies and interested persons

This notification describes the project, what level of environmental review is required, where to find copies of the application, and how to share comments or questions about the project.

Environmental Review

When the DNR and PSC review a power plant application, they carefully study the potential environmental impact of the power plant and any related construction. To protect the environment, these agencies can require changes in the plant design or site.

As part of its application, the power plant developer files an Environmental Impact Report (EIR). This report provides detailed information about the plant, its setting, and the expected impacts.

Depending on the type, site, and size of the proposed plant, the PSC and DNR may prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). An EA is used to determine whether or not an EIS is needed. In all CPCN cases, Commission staff prepares testimony on environmental matters for the PSC hearing.

If an EIS is prepared, the Commission and DNR staff write a draft EIS. The public can request a copy of the draft EIS or review it at their local library. In most cases the public has about 45 days to comment on the draft. Commission and DNR staff will then write a final EIS based on the comments. The final EIS becomes an exhibit in the hearing on the project.

The public may contact Commission staff at any time about their concerns. If there is no hearing, individuals are encouraged to contact Commission staff as soon as possible. If there is a PSC hearing, it is important for individuals to voice their concerns about the project or the EIS at the hearing. The hearing record is used by the Commission as a basis to make its decision.

Public Information Meeting

A public information meeting is an informal event that gives the public a chance to learn about a proposed project. It is not a hearing. It is a place to ask questions and talk directly with the developer or DNR and Commission staff.

A public information meeting is held near a possible site. Notice of the meeting is sent to nearby property owners, local media, and government officials. A public information meeting may be held one or more times during the review process. The meetings may be sponsored by the developer or by the state agencies. The developer, Commission staff, and DNR staff attend these meetings because they want to hear the public’s comments and concerns.

The developer may hold a public information meeting before filing an application with the PSC. This is early in the process so that public input may be used to help improve the developer’s proposal.

A public information meeting can help individuals evaluate the project so they can comment to the PSC after receiving the PSC public notification letter. It can also help prepare the public for the PSC hearing.

PSC Hearing

If a public hearing is required on the construction application, the PSC holds the hearing near the proposed site(s). If individuals want their concerns considered by the Commission, who are the final decision-makers, they must testify at this hearing.

The PSC sends a Notice of Hearing to everyone on its project mailing list. This mailing list is the same as that used for the public notification letter, along with additional individuals who have since requested